



PATENT  
Attorney Docket No. 5725.0639-00

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: )  
)  
David W. CANNELL et al. ) Group Art Unit: 1616  
)  
Application No.: 09/931,919 ) Examiner: QAZI, Sabiha Naim  
)  
Filed: August 20, 2001 ) Confirmation No.: 4335  
)  
For: METHODS FOR RELAXING )  
AND RE-WAVING HAIR )  
COMPRISING AT LEAST ONE )  
REDUCING AGENT AND AT )  
LEAST ONE HYDROXIDE )  
COMPOUND )

**Mail Stop Appeal Brief--Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TRANSMITTAL OF APPEAL BRIEF (37 C.F.R. 41.37)**

Transmitted herewith is the APPEAL BRIEF in this application with respect to the  
Notice of Appeal filed on February 16, 2006.

This application is on behalf of

☐ Small Entity ☒ Large Entity

Pursuant to 37 C.F.R. 41.20(b)(2), the fee for filing the Appeal Brief is:

☐ \$250.00 (Small Entity)

☒ \$500.00 (Large Entity)

**TOTAL FEE DUE:**

Appeal Brief Fee	\$ 500.00
Extension Fee (if any)	\$1020.00
Total Fee Due	\$1520.00



Application No. 09/931,919  
Attorney Docket No. 5725.0639-00

☒ Enclosed is a check for \$1520.00 to cover the above fees.

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this Appeal Brief, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 31, 2006

By: Courtney B. Meeker  
Courtney B. Meeker  
Reg. No. 56,821



PATENT  
Customer No. 22,852  
Attorney Docket No. 5725.0639-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

In support of the Notice of Appeal filed February 16, 2006, pursuant to 37 C.F.R. § 41.31, the period for reply having been extended three months by the Petition and fee filed concurrently herewith, Appellants present this brief and enclose herewith a check for \$1520.00, including the \$500.00 required under 37 C.F.R. § 41.20(b)(2) and \$1020.00 for the three month extension of time.

This appeal is in response to the Office Action dated November 16, 2005, and is in response to the March 31, 2006, Notice of Panel Decision from Pre-Appeal Brief Review, both rejecting claims claims 1-9, 12-30, and 33-41, all of which are set forth in the attached Appendix.



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Application No. 09/931,919  
Attorney Docket No. 5725.0639-00

I. **Real Party In Interest**

L'Oréal S.A. is the assignee of record as evidenced by the assignment submitted November 19, 2001, and as such, L'Oréal S.A. is the real party in interest in this appeal.

**II. Related Appeals and Interferences**

Appellants, Appellants' undersigned legal representative, and the assignee know of no appeals, interferences, or other proceedings that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**III. Status Of Claims**

Claims 1-9, 12-30, and 33-41 are pending. The Examiner has rejected claims 1-9, 12-30, and 33-41 under 35 U.S.C. § 103(a).

**IV. Status Of Amendments**

All amendments have been entered, and no amendments have been made subsequent to the issuance of the rejection dated November 16, 2005.



**V. Summary Of Claimed Subject Matter**

The presently claimed invention relates to a method for relaxing keratin fibers without damaging the fibers but at the same time preventing substantial reversion to the original curly state of the hair. See Specification at ¶ 24. The invention also relates to lanthionizing processes that allow rewaving of relaxed hair, in contrast to currently available relaxing processes using reducing agents, which cannot thereafter be permed. See *id.* The invention uses compositions comprising low concentrations of at least one hydroxide compound and compositions comprising at least one reducing agent. See *id.*

The present invention provides a method for lanthionizing keratin fibers to achieve relaxation of said keratin fibers comprising:

- (i) applying a pretreatment composition to said keratin fibers, wherein said pretreatment composition comprises at least one reducing agent chosen from thioglycolates for a sufficient period of time to reduce at least one keratin bond in said keratin fibers;
- (ii) rinsing said keratin fibers;
- (iii) generating hydroxide ions in at least one solvent, wherein said step of generating comprises including at least one hydroxide compound in said at least one solvent;
- (iv) applying a composition comprising said generated hydroxide ions to said keratin fibers for a sufficient period of time to lanthionize at least one of said keratin fibers;
- (v) heating said keratin fibers; and
- (vi) terminating said lanthionization when said keratin fibers are relaxed.

See claim 1. The invention further provides a method for re-waving keratin fibers comprising steps (i)-(v) above and additionally (vi) terminating said lanthionization, and (vii) applying a permanent waving composition to said keratin fibers for a sufficient

period of time to permanently wave at least one of said keratin fibers. See claim 20.

Finally, the invention also provides a multicompartment kit for re-waving keratin fibers.

See claim 41.

Support for the claimed invention can be found in the specification and claims as originally filed as set forth in Table 1 below.

**TABLE 1:**

<u>Element</u>	<u>Support in Specification</u>
<p>A method for lanthionizing keratin fibers to achieve relaxation of said keratin fibers comprising:</p> <ul style="list-style-type: none"> <li>(i) applying a pretreatment composition to said keratin fibers, wherein said pretreatment composition comprises at least one reducing agent chosen from thioglycolates for a sufficient period of time to reduce at least one keratin bond in said keratin fibers;</li> <li>(ii) rinsing said keratin fibers;</li> <li>(iii) generating hydroxide ions in at least one solvent, wherein said step of generating comprises including at least one hydroxide compound in said at least one solvent;</li> <li>(iv) applying a composition comprising said generated hydroxide ions to said keratin fibers for a sufficient period of time to lanthionize at least one of said keratin fibers;</li> <li>(v) heating said keratin fibers; and</li> <li>(vi) terminating said lanthionization when said keratin fibers are relaxed.</li> </ul>	<p>See original claims 1, 10, and 11.</p>
<p>A method for re-waving keratin fibers comprising:</p> <ul style="list-style-type: none"> <li>(i) applying a pretreatment composition to said keratin fibers comprising at least one reducing agent chosen from thioglycolates to keratin fibers for a sufficient period of time to reduce at least one keratin bond in said keratin fibers;</li> <li>(ii) rinsing said keratin fibers;</li> <li>(iii) generating hydroxide ions in at least one solvent, wherein said step of generating</li> </ul>	<p>See original claims 20, 31, and 32.</p>

<p>comprises including at least one hydroxide compound in said at least one solvent;</p> <p>(iv) applying a composition comprising said generated hydroxide ions to said keratin fibers for a sufficient period of time to lanthionize at least one of said keratin fibers;</p> <p>(v) heating said keratin fibers;</p> <p>(vi) terminating said lanthionization, and</p> <p>(vii) applying a permanent waving composition to said keratin fibers for a sufficient period of time to permanently wave at least one of said keratin fibers</p>	
<p>A multicompartment kit for re-waving keratin fibers comprising:</p> <p>(a) a first compartment comprising a first composition,</p> <p>(b) a second compartment comprising a second composition, and</p> <p>(c) a third compartment comprising a third composition,</p> <p>wherein said first composition comprises at least one hydroxide compound;</p> <p>wherein said second composition comprises at least one reducing agent chosen from thioglycolates, and</p> <p>wherein said third composition is a permanent waving composition.</p>	<p>See original claims 41, and specification at ¶ 43.</p>

**VI. Grounds of Rejection to be Reviewed**

Claims 1-9, 12-30, and 33-41 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,572,843 ("Sorenson") and over U.S. Patent No. 4,659,566 ("Petrov").

**VII. Argument**

**A. Claims 1-9, 12-30, and 33-41 Are Patentable  
Under 35 U.S.C. § 103(a) Over Sorenson**

Claims 1-9, 12-30, and 33-41 are patentable under 35 U.S.C. § 103 over Sorenson. Appellants submit that the rejection is legally improper because the Examiner has not established a *prima facie* case of obviousness. Sorenson does not disclose the specific steps of the present invention nor is there any motivation for one of ordinary skill in the art to arrive at the present invention or any reasonable expectation of success.

Instead, as discussed below, the Examiner fails to identify each of the claimed steps in Sorenson and has not explicitly set forth sufficient evidence of a motivation to arrive at the combination of steps in the present claims based on Sorenson's disclosure. Additionally, the Examiner has not provided a sufficient basis on which one of ordinary skill in the art would have expected to be successful in combining the claimed steps, and in fact, no such expectation of success would have existed in light of the disclosure.

**1. The burden of establishing a *prima facie* case  
falls on the Examiner.**

In making a rejection under 35 U.S.C. § 103, the Examiner has the initial burden to establish a *prima facie* case of obviousness. M.P.E.P. § 2143. To meet this burden, the Examiner must point to some objective teaching in the prior art, coupled with the knowledge generally available to one of ordinary skill in the art at the time of the invention, that would have motivated one of ordinary skill to combine reference teachings with a reasonable expectation of success in obtaining the presently claimed invention. See M.P.E.P. §§ 2143.01 and 2143.02; *In re Fine*, 5 U.S.P.Q.2d 1596, 1598, 837 F.2d 1071, 1074 (Fed. Cir. 1988). Both the suggestion and the reasonable

expectation of success must be found in the prior art references, not in Appellants' disclosure. See *In re Vaeck*, 20 U.S.P.Q.2d 1438, 947 F.2d 488 (Fed. Cir. 1991). The Examiner must also point to some teaching or suggestion in the art of all the claim limitations. See M.P.E.P. § 2143.03. The Federal Circuit stated that:

[t]he factual inquiry whether to combine references must be thorough and searching. It must be based on objective evidence of record . . . . Thus the Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion.

*In re Lee*, 61 U.S.P.Q.2d 1430, 1434, 277 F.3d 1338, 1344 (Fed. Cir. 2002) (emphasis added).

**2. The Examiner has not established that Sorenson teaches or suggests all the claimed steps or that Sorenson provides the requisite motivation to arrive at the claimed invention.**

The Examiner improperly bases her finding of obviousness on the assertion that Sorenson teaches the same method as the present application and they differ only in that the present invention "claim[s] more specific steps." See Office Action at p. 3. The Examiner merely points to disclosure of some, not all, of the individual steps of the present claims in Sorenson and has not revealed any motivation to arrive at the specific claimed method. See *id.* The Examiner subsequently concludes that the present claims are obvious because Sorenson allegedly "teaches the same method," and goes on to assert that it is Appellants' burden to prove that the claimed invention is different or unobvious over Sorenson. See *id.* Appellants disagree.

The threshold for establishing a motivation to combine is high, requiring "clear and particular" evidence of a motivation to combine. *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617, 175 F.3d 994, 999 (Fed. Cir. 1999). As explained by the Federal Circuit,

"[o]ur case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." *Id.*, at 1617, 175 F.3d at 999. Therefore, this evidence must be explicitly set forth by the Examiner. See *In re Lee*, 61 U.S.P.Q.2d at 1433, 277 F.3d at 1343.

In the present case, Sorenson does not disclose each of the specific steps of the method in the present claims, as set forth in claim 1, including the heating step, step (v). Not only does Sorenson fail to teach or suggest the heating step, it specifically notes that "[h]air setting processes . . . are usually carried out at room temperature," col. 1, lns. 22-24, and none of the examples disclosed therein contain a heating step, col. 37, ln. 35 to col. 47, ln. 22. Additionally, nothing in Sorenson would suggest use of a heating step specifically after the application of the composition comprising generated hydroxide ions. If anything, one of ordinary skill in the art would "reasonably infer" from Sorenson that the method disclosed therein should occur at room temperature, not that it should include a heating step.

The Examiner has not explicitly identified the claimed steps or set forth sufficient evidence of a motivation to arrive at the combination of steps in the present claims based on the disclosure of Sorenson. Thus, the Examiner has not met her burden of establishing a *prima facie* case of obviousness.

**3. The Examiner has not established that one of ordinary skill in the art would have had the requisite reasonable expectation of success.**

Furthermore, only in hindsight could it have been obvious to one with Sorenson before her to have arrived at the claimed method with any reasonable expectation of

success, and such use of hindsight reconstruction is impermissible. See *In re Fine*, 5 U.S.P.Q.2d at 1600, 837 F.2d at 1075. As stated above, Sorenson does not teach or suggest that the particular combination of steps, including the heating step, in the presently claimed method would relax keratin fibers. Nor does the Examiner set forth any evidence of an expectation of success, other than the conclusory statement that the expectation of success derives from Sorenson teaching the same method. See Office Action at p. 3. Accordingly, one of ordinary skill in the art would not have had the requisite reasonable expectation of success in the method of the present claims based on the teachings of Sorenson.

In the absence of “clear and particular evidence” of a motivation to combine the elements of the present claims and an expectation of success from such combination, the rejection should be withdrawn. In light of the foregoing, Appellants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to Sorenson, and thus, request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

**B. Claims 1-9, 12-30, and 33-41 Are Patentable  
Under 35 U.S.C. § 103(a) Over Petrow**

Claims 1-9, 12-30, and 33-41 are patentable under 35 U.S.C. § 103 over Petrow. Appellants submit that the rejection is legally improper because the Examiner has not established a *prima facie* case of obviousness because Petrow does not disclose specific steps of the present invention nor is there any motivation for one of ordinary skill in the art to arrive at the present invention or any reasonable expectation of success.



Instead, as discussed below, the Examiner fails to identify each of the claimed steps in Petrow and has not explicitly set forth sufficient evidence of a motivation to arrive at the combination of steps in the present claims based on Petrow's disclosure. Additionally, the Examiner has not provided a sufficient basis on which one of ordinary skill in the art would have expected to be successful in combining the claimed steps, and in fact, no such expectation of success would have existed in light of the disclosure.

**1. The Examiner has not established that Petrow teaches or suggests all the claimed steps or that Petrow provides the requisite motivation to arrive at the claimed invention.**

The Examiner improperly bases her finding of obviousness on the assertion that Petrow teaches the same method as the present application and they differ only in that the present invention "claim[s] more specific steps." See Office Action at p. 5. Again, the Examiner merely points to disclosure of some, not all, of the individual steps of the present claims in Petrow and has not revealed any motivation to arrive at the specific claimed method. See *id.* The Examiner then concludes that the present claims are obvious because Petrow allegedly "teaches the same method," and goes on to assert that it is Appellants' burden to prove that the claimed invention is different of unobvious over Sorenson. See *id.* Appellants disagree.

Petrow does not disclose each of the specific steps of the method in the present claims, as set forth in claim 1, including the heating step, step (v). Petrow only discloses heating the fibers after application of the reducing agent composition, see e.g., col. 16, Ins. 20-30, and does not teach or suggest heating of the fibers after application of a composition comprising generated hydroxide ions. Additionally, at col. 9, Ins. 50-55, Petrow teaches the application of the reducing agent at room

temperature. Therefore, nothing in Petrow would suggest use of a heating step specifically after the application of the composition comprising generated hydroxide ions. The Examiner has not explicitly set forth the claimed steps or sufficient evidence of a motivation to arrive at the combination of steps in the present claims based on the disclosure of Petrow. Thus, the Examiner has not met her burden of establishing a *prima facie* case of obviousness.

**2. The Examiner has not established that one of ordinary skill in the art would have had the requisite reasonable expectation of success.**

Furthermore, only using impermissible hindsight could it have been obvious to one with Petrow before her to have arrived at the claimed method with any reasonable expectation of success. As stated above, Petrow does not teach or suggest that the particular combination of steps, including the heating step, in the presently claimed method would relax keratin fibers. Additionally, Petrow repeatedly teaches disadvantages of using thioglycolates, as in step (i) of the present invention. Petrow teaches that they are caustic, result in overprocessing, and have a disagreeable odor. See col. 2, Ins. 8-10, col. 3, Ins. 27-42. Accordingly, one of ordinary skill in the art would not have had the requisite reasonable expectation of success in the method of the present claims based on the teachings of Petrow.

In the absence of "clear and particular evidence" of a motivation to combine the elements of the present claims and an expectation of success from such combination, the rejection should be withdrawn. In light of the foregoing, Appellants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with

respect to Petrow, and thus, request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

**C. Conclusion**

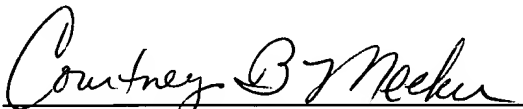
Accordingly, for the reasons set forth above, Appellants maintain that a *prima facie* case of obviousness has not been established based on the cited references. The Examiner has failed to demonstrate (1) that all the claimed steps are disclosed, (2) that one of ordinary skill in the art would have been motivated to modify the disclosures of the cited references, and (3) that one skilled in the art would have a reasonable expectation of success in such modification. Thus, Appellants respectfully request reversal of the rejection of claims 1-9, 12-30, and 33-41, under 35 U.S.C. § 103(a).

To the extent any extension of time under 37 C.F.R. § 1.136 not requested herewith is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 31, 2006

By: 

Courtney B. Meeker  
Reg. No. 56,821

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, D.C. 20005  
(202) 408-4000

**VIII. Claims Appendix**

1. (Previously presented) A method for lanthionizing keratin fibers to achieve relaxation of said keratin fibers comprising:

(i) applying a pretreatment composition to said keratin fibers, wherein said pretreatment composition comprises at least one reducing agent chosen from thioglycolates for a sufficient period of time to reduce at least one keratin bond in said keratin fibers;

(ii) rinsing said keratin fibers;

(iii) generating hydroxide ions in at least one solvent, wherein said step of generating comprises including at least one hydroxide compound in said at least one solvent;

(iv) applying a composition comprising said generated hydroxide ions to said keratin fibers for a sufficient period of time to lanthionize at least one of said keratin fibers;

(v) heating said keratin fibers; and

(vi) terminating said lanthionization when said keratin fibers are relaxed.

2. (Original) A method according to claim 1, further comprising shampooing said keratin fibers subsequent to said heating.

3. (Original) A method according to claim 2, further comprising rinsing said keratin fibers subsequent to said shampooing.

4. (Original) A method according to claim 2, further comprising rinsing said keratin fibers prior to said shampooing.

5. (Original) A method according to claim 1, wherein said at least one hydroxide compound is chosen from alkali metal hydroxides, alkaline earth metal hydroxides, transition metal hydroxides, lanthanide metal hydroxides, actinide metal hydroxides, Group III hydroxides, Group IV hydroxides, Group V hydroxides, Group VI hydroxides, organic hydroxides, and compounds comprising at least one hydroxide substituent which is at least partially hydrolyzable.

6. (Original) A method according to claim 5, wherein said at least one hydroxide compound is chosen from sodium hydroxide, lithium hydroxide, and potassium hydroxide.

7. (Original) A method according to claim 6, wherein said at least one hydroxide compound is sodium hydroxide.

8. (Original) A method according to claim 1, wherein the at least one hydroxide compound is present in an amount ranging from 0.01% to 2.5% by weight, relative to the total weight of said composition.

9. (Original) A method according to claim 8, wherein the at least one hydroxide compound is present in an amount ranging from 0.1% to 1% by weight relative to the total weight of said composition.

10-11. (Cancelled)

12. (Previously presented) A method according to claim 1, wherein said thioglycolates are monoethanolamine thioglycolate.

13. (Cancelled)

14. (Original) A method according to claim 1, wherein said at least one reducing agent is present in an amount ranging from 0.1% to 5% by weight relative to the total weight of the composition.

15. (Original) A method according to claim 14, wherein said at least one reducing agent is present in an amount ranging from 0.5% to 2.5% by weight relative to the total weight of the composition.

16. (Original) A method according to claim 1, wherein said at least one solvent is chosen from DMSO and water.

17. (Original) A method according to claim 1, wherein said composition further comprises at least one additive chosen from dyes, anionic surfactants, cationic surfactants, nonionic surfactants, amphoteric surfactants, fragrances, silicones, silicone derivatives, screening agents, chelating agents, preserving agents, proteins, vitamins, plant oils, mineral oils and synthetic oils.

18. (Original) A method according to claim 1, wherein said composition is in a form chosen from an oil-in-water emulsion, a water-in-oil emulsion, a dispersion, a suspension, a cream, a foam, a gel, a spray, a powder and a liquid.

19. (Original) A method according to claim 1, wherein said keratin fibers are hair.

20. (Previously presented) A method for re-waving keratin fibers comprising:

(i) applying a pretreatment composition to said keratin fibers comprising at least one reducing agent chosen from thioglycolates to keratin fibers for a sufficient period of time to reduce at least one keratin bond in said keratin fibers;

(ii) rinsing said keratin fibers;

(iii) generating hydroxide ions in at least one solvent, wherein said step of generating comprises including at least one hydroxide compound in said at least one solvent;

(iv) applying a composition comprising said generated hydroxide ions to said keratin fibers for a sufficient period of time to lanthionize at least one of said keratin fibers;

(v) heating said keratin fibers;

(vi) terminating said lanthionization, and

(vii) applying a permanent waving composition to said keratin fibers for a sufficient period of time to permanently wave at least one of said keratin fibers.

21. (Original) A method according to claim 20, further comprising shampooing said keratin fibers subsequent to said heating.

22. (Original) A method according to claim 21, further comprising rinsing said keratin fibers subsequent to said shampooing.

23. (Original) A method according to claim 21, further comprising rinsing said keratin fibers prior to said shampooing.

24. (Original) A method according to claim 20, further comprising rolling said lanthionized keratin fibers onto at least one curling rod prior to or subsequent to said application of said permanent waving composition.

25. (Original) A method according to claim 24, further comprising rinsing said rolled keratin fibers after a sufficient period of time to permanently wave said rolled keratin fibers.

26. (Original) A method according to claim 20, wherein said at least one hydroxide compound is chosen from alkali metal hydroxides, alkaline earth metal hydroxides, transition metal hydroxides, lanthanide metal hydroxides, actinide metal hydroxides, Group III hydroxides, Group IV hydroxides, Group V hydroxides, Group VI hydroxides, organic hydroxides, and compounds comprising at least one hydroxide substituent which is at least partially hydrolyzable.

27. (Original) A method according to claim 26, wherein said at least one hydroxide compound is chosen from sodium hydroxide, lithium hydroxide, and potassium hydroxide.

28. (Original) A method according to claim 27, wherein said at least one hydroxide compound is sodium hydroxide.

29. (Original) A method according to claim 20, wherein the at least one hydroxide compound is present in an amount ranging from 0.01 to 2.5% by weight, relative to the total weight of said composition.

30. (Original) A method according to claim 29, wherein the at least one hydroxide compound is present in an amount ranging from 0.1% to 1% by weight relative to the total weight of said composition.

31-32. (Cancelled)

33. (Previously presented) A method according to claim 20, wherein said thioglycolates are monoethanolamine thioglycolate.

34. (Cancelled)



35. (Original) A method according to claim 20, wherein said at least one reducing agent is present in an amount ranging from 0.1% to 5% by weight relative to the total weight of the composition.

36. (Original) A method according to claim 35, wherein said at least one reducing agent is present in an amount ranging from 0.5% to 2.5% by weight relative to the total weight of the composition.

37. (Original) A method according to claim 20, wherein said at least one solvent is chosen from DMSO and water.

38. (Original) A method according to claim 20, wherein said composition further comprises at least one additive chosen from dyes, anionic surfactants, cationic surfactants, nonionic surfactants, amphoteric surfactants, fragrances, silicones, silicone derivatives, screening agents, preserving agents, proteins, vitamins, plant oils, mineral oils and synthetic oils.

39. (Original) A method according to claim 20, wherein said composition is in a form chosen from an oil-in-water emulsion, a water-in-oil emulsion, a dispersion, a suspension, a cream, a foam, a gel, a spray, a powder and a liquid.

40. (Original) A method according to claim 20, wherein said keratin fibers are hair.

41. (Previously presented) A multicompartment kit for re-waving keratin fibers comprising:

- (a) a first compartment comprising a first composition,
- (b) a second compartment comprising a second composition, and
- (c) a third compartment comprising a third composition,

wherein said first composition comprises at least one hydroxide compound;  
wherein said second composition comprises at least one reducing agent chosen  
from thioglycolates, and  
wherein said third composition is a permanent waving composition.

**IX. Evidence Appendix**

None.

X. **Related Proceedings Appendix**

None.